

North York Community Council

From: Jonathan Cheng <JCheng@stikeman.com>
Sent: January 7, 2020 9:43 AM
To: North York Community Council
Cc: Patrick Duffy; Andrew Pruss; Dan Eylon; Peter Pantalone; Mike Dror
Subject: NY12.6 - Don Mills Crossing Properties - Letter of Concern - 39 Wynford
Attachments: 2020-01-07 - Letter of Concern - Brookfield - NY12.6 - Inclusion on Toronto's Heritage Register - Don Mills.pdf

Ms. Adamo,

Please see the attached letter, which is filed on behalf of Patrick Duffy with respect to Item NY12.6 (Inclusion on the City of Toronto's Heritage Register - Don Mills Crossing Properties).

Should you have any questions, please do not hesitate to contact us.

Regards,

Jonathan

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Patrick G. Duffy
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January 7, 2020
File No.: 136574.1001

By E-mail
nycc@toronto.ca

North York Community Council
North York Civic Centre
Main Floor, 5100 Yonge Street
Toronto, ON M2N 5V7

Attention: Ms. Francine Adamo

Dear Sirs/Mesdames:

**Re: NY12.6 – Inclusion on the City of Toronto's Heritage Register – Don Mills
Crossing Properties
Letter of Concern
39 Wynford Drive**

Further to our correspondence to the Toronto Preservation Board, dated November 8 and 29, 2019, we are writing on behalf of our client, 39 Wynford Inc. ("**Brookfield**"), the owner of the property municipally known in the City of Toronto as 39 Wynford Drive (the "**Property**"). We have enclosed our prior correspondence for your reference.

We have reviewed the Supplementary Staff Report, dated January 2, 2020, and **strongly support staff's recommendation to defer consideration of the heritage listing for the Property** in order to allow more time for further productive dialogue.

As our client's consultants advised City staff earlier in December, Brookfield has retained ERA Architects ("**ERA**") as heritage consultants for the Property. ERA is in the process of finalizing a Heritage Value Assessment of the Property and wishes to discuss their findings with City staff. We strongly believe that ERA's research and analysis will yield insights into the integrity of the Property, the extent of the Property's cultural heritage value, and whether it is appropriate to list the Property on the Heritage Register.

In order to ensure that the planning for this area is done properly, it is essential to take the time needed to conduct meaningful consultation with affected stakeholders, and in particular, the landowners who are most impacted by the proposed heritage listing.

We appreciate staff's efforts and understanding in this regard and strongly support the recommendation for deferral until further discussions between staff and our client have taken place.

Should you have any questions, please do not hesitate to contact me.

Yours truly,



Patrick G. Duffy

PGD/jsc
Enclosures

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*
Andrew Pruss, Dan Eylon, Peter Pantalone, *ERA Architects*
Mike Dror, *Bousfields Inc.*
Client

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November 29, 2019
File No.: 136574.1001

By E-mail
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Toronto Preservation Board
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Ellen Devlin, Committee
Administrator

Dear Sirs/Mesdames:

**Re: PB12.3 – Inclusion on the City of Toronto’s Heritage Register – Don Mills
Crossing Properties
Letter of Concern
39 Wynford Drive**

We are counsel to 39 Wynford Inc. (“**Brookfield**”), the owner of the property municipally known in the City of Toronto as 39 Wynford Drive (the “**Property**”).

We are following up on our November 8, 2019 letter of concern (attached here for reference), by which we expressed our client’s serious concern regarding the heritage listing process proposed by staff. At the time of that letter, the staff report for the proposed heritage listing had not yet been posted, despite it being less than 2 business days before the meeting of the Toronto Preservation Board (the “**TPB**”).

In view of our concerns, as well as those expressed by other affected landowners, the TPB appropriately deferred the matter for further review and consideration. However, given the short duration of the deferral and the limited availability of staff, we have not yet had an opportunity to meet with staff to discuss the recommendation. Our client questions the significance of the Property and does not believe that staff have provided a compelling rationale as to why the Property should be included on the City’s Heritage Register.

Moreover, we have serious concerns regarding the listing process proposed by staff. Essentially, through this “batch” listing of numerous properties in the area, staff appear to be creating a *de facto* Heritage Conservation District – without having to address the procedural and substantive safeguards contained within Part V of the *Ontario Heritage Act*. Such an approach is a misuse of the heritage listing process and should not be endorsed by the TPB.

We are struck by the incongruence between the proposed heritage listing – which emphasizes preserving significant building setbacks and large open spaces – and the recently adopted Don Mills Crossing Secondary Plan (the “**Secondary Plan**”), which emphasizes transit-supportive intensification and mixed use redevelopment of the area in close proximity to the Eglinton Crosstown LRT.

Although the Property is located just outside the Secondary Plan area, careful consideration must be given to the existing and emerging area context, particularly given the corridors and nodes that are

planned for growth, density, and intensification. In the interests of good planning and to ensure conformity across Provincial and City planning objectives, it is crucial that planning be conducted comprehensively, addressing all facets, and not simply heritage preservation in isolation.

In order to ensure that the planning for the area is done properly, it is incumbent on staff to undertake meaningful consultation with stakeholders, and in particular, the landowners who are most affected by staff's proposal for heritage listing. To date, staff's efforts in this regard have been lacking.

By this letter, we request that the TPB refuse the staff recommendation to list the Property on the Heritage Register, and instead, defer this matter until staff have conducted meaningful consultation with affected landowners, including our client.

Should you have any questions, please do not hesitate to contact me.

Yours truly,



Patrick G. Duffy

PGD/jsc

Encs.

cc. G Jonathan Cheng, *Stikeman Elliott LLP*
Client

Stikeman Elliott

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November 8, 2019
File No.: 136574.1001

By E-mail
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Toronto Preservation Board
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Ellen Devlin, Committee
Administrator

Dear Sirs/Mesdames:

**Re: PB11.8 – Inclusion on the City of Toronto’s Heritage Register – Don Mills
Crossing Properties – Notice of Pending Report
Letter of Concern**

We are counsel to 39 Wynford Inc. (“**Brookfield**”), the owner of the property municipally known in the City of Toronto as 39 Wynford Drive (the “**Property**”).

As a landowner in the Don Mills Crossing Cultural Heritage Resource Assessment study area, our client wishes to express its serious concern that, as of the date of this letter, the staff report for this item has yet to be made available to the public. The only report posted on the City’s website is the Notice of Pending Report, dated October 29, 2019.

It is less than 3 business days before the meeting of the Toronto Preservation Board on November 12, 2019. In the interests of procedural fairness and meaningful public engagement, it is essential that the public be given sufficient time to review staff’s recommendations and to prepare a response.

In the absence of sufficient public notice, we strongly urge the Board to defer consideration of this item to allow the public a reasonable opportunity to review the staff report and respond meaningfully.

Should you have any questions, please do not hesitate to contact me.

Yours truly,



Patrick G. Duffy

PGD/rw
cc. p Jonathan Cheng, *Stikeman Elliott LLP*
Peter Smith & Mike Dror, *Bousfields Inc.*
Client